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APPLICATION NO. 09/224,219	FILING DATE 12/30/98	FIRST NAMED INVENTOR BIRLESON	ATTORNEY DOCKET NO. S 45981-P016US
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EXAMINER

GESESSE, T

ART UNIT

PAPER NUMBER

2683

DATE MAILED:

09/17/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/224,219

Applicant(s)

BIRLESON, S. VINCENT

Examiner

Tilahun B Gesesse

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 1998.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other:

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5,32-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Carney (us 5,590,156).

As to claim 1 and 32-33, Carney discloses a tuner (15) for extracting specific signals from a set of signals on a carrier (With this system, the control channels, such as channels 17-1 and 17-2, must typically be assigned to the first tuner 15-1, in order to prevent strong control signal amplitudes such as that of channel 17-1 from being clipped. Otherwise, undesired spurious tones would be created within the control channel bandwidth, see col.9 lines 13-18.) wherein the set of signals have at least one of a set of measurable characteristics (RSSI), see col.7 lines 53-61,

Carney discloses means for determining from the measurable characteristics which are present in a particular set of signals certain desirable tuner operating characteristics, see fig.5,

Carney discloses means operable under control of said determining means for changing the operating characteristics of said tuner, (by changing a tuner is changing the operation characteristics of a tuner) see col.8 lines 40-56.

As to claims 2,4, Carney discloses means for changing power levels with respect to certain of said tuner components., see fig.5.

As to claim 3, Carney discloses means for determining optimum operating characteristics for said tuner depending upon said determined operating characteristics, see fig.5.

As to claim 5, Carney inherently discloses the tuner is constructed on a single substrate.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 6,9,12,17-19,21 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Kobayashi (us 6,243,570).

As to claim 6, Kobayashi discloses the method of operating a tuner, see fig.4,

Kobayashi discloses assessing from time to time the environment of the signals being processed by said tuner, see fig.5,

Kobayashi discloses based on the assessment environment selecting an operating level for said tuner (the control 17 then fine adjusts the tuning correction signal “b” to a smaller value

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so as to lower the tuning frequency of the RF tuning circuit 2 so that the tuning frequency is fine adjusted to match the desired frequency ,see col. 3 lines 43-47); and

Kobayashi discloses setting the operation of said tuner consistent with said selected operating level; see col.5 lines 1-9.

As to claims 9,17-19 and 26, Kobayashi discloses the method of operating a tuner, see fig.4,

Kobayashi discloses determining optimal tuner operating characteristics from knowledge (based on temperature) of the signals being processed by the tuner, see fig.5, and

Kobayashi discloses adjusting the tuner operating characteristics, (the control 17 then fine adjusts the tuning correction signal "b" to a smaller value so as to lower the tuning frequency of the RF tuning circuit 2 so that the tuning frequency is fine adjusted to match the desired frequency ,see col. 3 lines 43-47)

As to claim 12 and 21, Kobayashi discloses receiving information from an external source (temperature detector #9), see abstract.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7-8,10-11,13-15,20,22-24 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi in view of Grandfield et al (us 5,564,092).

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As to claims 7-8,10-11,13, Kobayashi fail to teach to select an optimum power level for said tuner. However, Grandfield et al disclose select power level , see abstract and fig.3.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify Kobayashi, in measuring power level for the tuner, in order to adjust the power level to prevent interference.

As to claim 14-15,20,22-24 and 28-30, Kobayashi fails to disclose adjusting power consumption of certain components within said tuner. However, Grandfield et al disclose adjusting power level, see fig. 4 . Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify Kobayashi, in measuring power level for the tuner, in order to adjust the power level to prevent over consumption of power.

8. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi in view of Wheelless (us 5,023,934).

As to claims 31, Kobayashi fails to disclose channel sweep circuitry and static determination circuitry operable at different times. However, Wheelless discloses channel sweeping and static , see col.5 lines 63-68. . Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify Kobayashi, sweeping channels for the tuner, in order to detect the strongest channel for communication.

9. Claims 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carney in view of Wheelless (us 5,023,934).

As to claims 34-37, Carney fails to disclose channel sweep circuitry and static determination circuitry operable at different times. However, Wheelless discloses channel sweeping and static , see col.5 lines 63-68. . Therefore, it would have been obvious to one of

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ordinary skill in the art at the time of invention was made to modify Carney, sweeping channels for the tuner, in order to detect the strongest channel for communication.

Conclusion

10. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

*(703) 305-9508 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")*

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun Gesesse whose telephone number is (703) 308-5873.. The examiner can normally be reached on Monday-Thursday from 7:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost, can be reached on (703) 308-5318. The fax phone number for this Group is (703) 308-6306 or (703) 308-6296.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Sept. 6, 2001

Tilahun Gesesse


WILLIAM TROST
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